IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33392 of 2008
LAL JHA
Versus
STATE OF BIHAR
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4. 02.12.2008 Heard the learned Counsel for the petitioner and the learned counsel for the State.

The petitioner apprehends arrest in a Police case under Sections 420 and other provisions of the Penal Code.

Learned Counsel for the petitioner submits from Para 31 of the case diary that he took charge of the records only on 22.6.2006. It is further submitted that there are further paragraphs in support of the same and the statement of other witnesses also.

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Learned Counsel for the State refers to Para 5 & 6 to submit that the petitioner was Incharge of the record when the examinations of the year 2005 was held and applications were entertained. He submits that there are further paragraphs in the case diary where the witnesses have stated to that effect.

The allegations are that fraudulently names of the candidates sitting at the examination was subsequently added to the Tabulation Register when admittedly Admit Card had also not been issued to them.

What transpires on the submissions of the Counsels for the petitioner and the State is that the short issue of who was Incharge of the concerned records at the relevant time in 2005 was a matter to be investigated by the Investigating officer from the records of the School and not what the witnesses may say in that regard.

This Court is not persuaded to grant the benefit of fault of the investigation. The Court refrains from making any observation on the nature of the investigation.

This application is dismissed.

Any application for regular bail on behalf of the petitioner shall be considered by the court below on its own merit including grant of regular bail to others without being prejudiced by the present order.

Snkumar/-

(Navin Sinha,J.)

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